

RESOLUTION NO. 16-10

RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION APPROVING A CUP OF ORGANIC PERMANENT USE WITH CONDITIONS.

WHEREAS, the Town of St. Leo Town Commission has utilized the Temporary Use Permitting process as a means to facilitate the development and growth of small businesses within the Town of St. Leo with the ultimate goal of bringing the Temporary Use site into compliance with the Town of St. Leo Land Development Code (LDC), and

WHEREAS, a Temporary Use Permit application (TUP #13-A) was submitted by Mr. Torres to operate a temporary use for drive-thru coffee and pastries sales (Cup of Organic) from a portable concession unit for a continuous period (Monday through Saturday) up to one (1) year pursuant to the LDC Article VIII, Special Exception, Conditional and Temporary Uses, and requesting a variance to the LDC Article XI, Sign Regulations, and

WHEREAS, the Town Commission approved said Temporary Use Permit on February 11, 2013 by passing Resolution 13-09, but denied the sign variance, and

WHEREAS, the Town Commission approved the signage by motion at the March 11, 2013 Town Commission meeting, and

WHEREAS, the Town Commission has granted three extensions of time for the Temporary Use Permit, in which the last extension was granted in Resolution 15-03 and expires on September 30, 2016, and established the process and requirements to bring the Cup of Organic site into substantial compliance with the LDC, and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF ST. LEO TOWN COMMISSION:

SECTION A. REQUEST

The Representative is requesting permanent approval of his business, A Cup of Organic, a portable concession unit for drive-thru coffee and pastry sales.

SECTION B. FINDINGS AND CONCLUSIONS

At the June 8, 2015 Town Commission meeting, the Commission adopted Resolution 15-03, which specified the process and requirements for permanent approval as follows in Section C. At the August 8, 2016 Town Commission meeting, Mr. Torres requested permanent approval and Town Staff were directed to conduct an inspection and prepare a report. Town Clerk, Joan Miller and Deputy Clerk, Andrea Calvert conducted an inspection on August 17, 2016 to determine compliance. Staff comments are in italics.

1. Provide perimeter landscaping generally as shown on Exhibit A as follows:
 1. Plant along the north property boundary: 4 canopy trees (Live Oaks or other canopy trees as approved by the Town Planner) with a continuous hedge. *Three pine trees, one crepe myrtle and a continuous hedge were planted as shown in Exhibit B.*
 2. Plant along the west property boundary: 5 canopy trees (Live Oaks or other canopy trees as approved by the Town Planner) with a continuous hedge. *Five pine trees (including corner tree) and a continuous hedge were planted as shown in Exhibit B.*
 3. Final placement of trees to be approved by the Town Planner. *Town staff found no placement issues and recommends approval.*
2. Complete perimeter landscaping pursuant to the following Phasing Schedule:
 - a. North boundary: Completed by December 31, 2015. *Completed as stated in condition one.*
 - b. West boundary: Completed by June 30, 2016. *Completed as stated in condition one.*
3. All canopy trees to be a minimum of two (2) -inch caliper and minimum 10' in height and hedges to be a minimum of 24-inches high planted 30-inches on center. *Plantings meet the aforementioned requirements.*

4. Approve the continued use of grass parking areas. *Staff recommends approval, contingent upon continued maintenance of the travel lane and parking areas referenced below.*
5. Provide 4 parking spaces at the southeastern quadrant of the site for use by the adjacent restaurant. *Four spaces have been created as shown in Exhibit B.*
6. Construct a main travel lane (minimum 12' wide) either with asphalt or medium sized gravel on sand base as generally shown on Exhibit A to be completed by September 30, 2016. *A travel lane has been created using asphalt millings.*
7. All signage on the site must meet the Sign Code. *Signage on the portable unit was approved by motion at the 3/11/13 Town Commission Meeting. Two temporary directional signs are being used to ensure proper traffic flow as in Resolution 13-09.*
8. After September 30, 2016, the Town staff shall conduct an inspection to determine compliance with the above conditions. *Inspection was conducted on August 17, 2016.*
9. Upon compliance recommendation by the Town staff, the Town Commission will adopt a Compliance Resolution, at a regularly scheduled meeting, stating that the use can be operated on a permanent basis provided compliance is maintained.
10. The Town Commission can terminate the Temporary Use permit if it is determined that the above conditions and phasing have not been met at the time of the compliance inspection required by condition 8 above.

SECTION C. TOWN COMMISSION DECISION

The Town of St. Leo Town Commission hereby APPROVES the permanent approval of the Cup of Organic use contingent on continuing compliance with the conditions established in Resolution 15-03.

SECTION D. EXHIBIT A

The following exhibit is attached to this resolution and incorporated by reference:

Exhibit A: 9/14/16 Staff Report

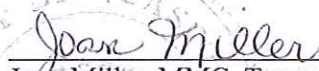
SECTION E. TOWN COMMISSION MOTION

The foregoing resolution was adopted by the Town of St. Leo Town Commission vote as follows:

Richard H. Christmas, Mayor
James Hallett, O.S.B.
Gregory P. Smith
Donna DeWitt, O.S.B.
Curtis Dwyer

DULY PASSED AND ADOPTED this 14th day of September, 2016.

ATTEST:


Joan Miller, MMC, Town Clerk


Richard H. Christmas, Mayor

Approved as to form by:

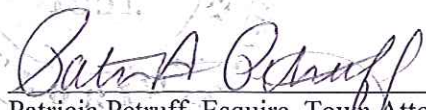

Patricia Petrucci, Esquire, Town Attorney

EXHIBIT A
Staff Report



**TEMPORARY USE PERMIT (TUP#13-A) CUP OF ORGANIC
TOWN STAFF REPORT**

Town Commission Meeting September 14, 2016

Case File #: Site Plan /Variance Review (SPR/VAR#15-A) related to Temporary Use Permit (TUP#13-A)

Applicant/Owner: Fay McKean

Representative: Douglas Torres

Location/Legal Description: Lots E, F, G and H, Block 3 of J.S. Flannigan's Subdivision
Folio #01-25-20-0010-00300-00F0

Future Land Use Designation: Business

Zoning District Designation: Business

Request: The representative is requesting permanent approval for his business, A Cup of Organic, a portable concession unit for drive-thru coffee and pastry sales.

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Resolution 15-03 Section C: Town Commission Decision

The Town of St. Leo Commission hereby APPROVES the temporary use extension request until September 30, 2016 and APPROVES the requested variances in order to transition from the TUP to the permanent approval of the Cup of Organic use, and contingent on compliance with the following conditions:

1. Provide perimeter landscaping generally as shown on Exhibit A as follows:
 1. Plant along the north property boundary: 4 canopy trees (Live Oaks or other canopy trees as approved by the Town Planner) with a continuous hedge. *Three pine trees, one crepe myrtle and a continuous hedge were planted as shown in Exhibit B.*
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10. The Town Commission can terminate the Temporary Use permit if it is determined that the above conditions and phasing have not been met at the time of the compliance inspection required by condition 8 above.

Staff Recommendations

Based on the information provided above, staff recommends that the Town Commission APPROVE the permanent approval of A Cup of Organic use, contingent on continuing compliance with the conditions established in Resolution 15-03.

This report has been prepared by:



Town Clerk Joan Miller, MMC



Deputy Clerk Andrea Calvert, CMC

EXHIBIT A

Cup of Organic Concept Compliance Plan

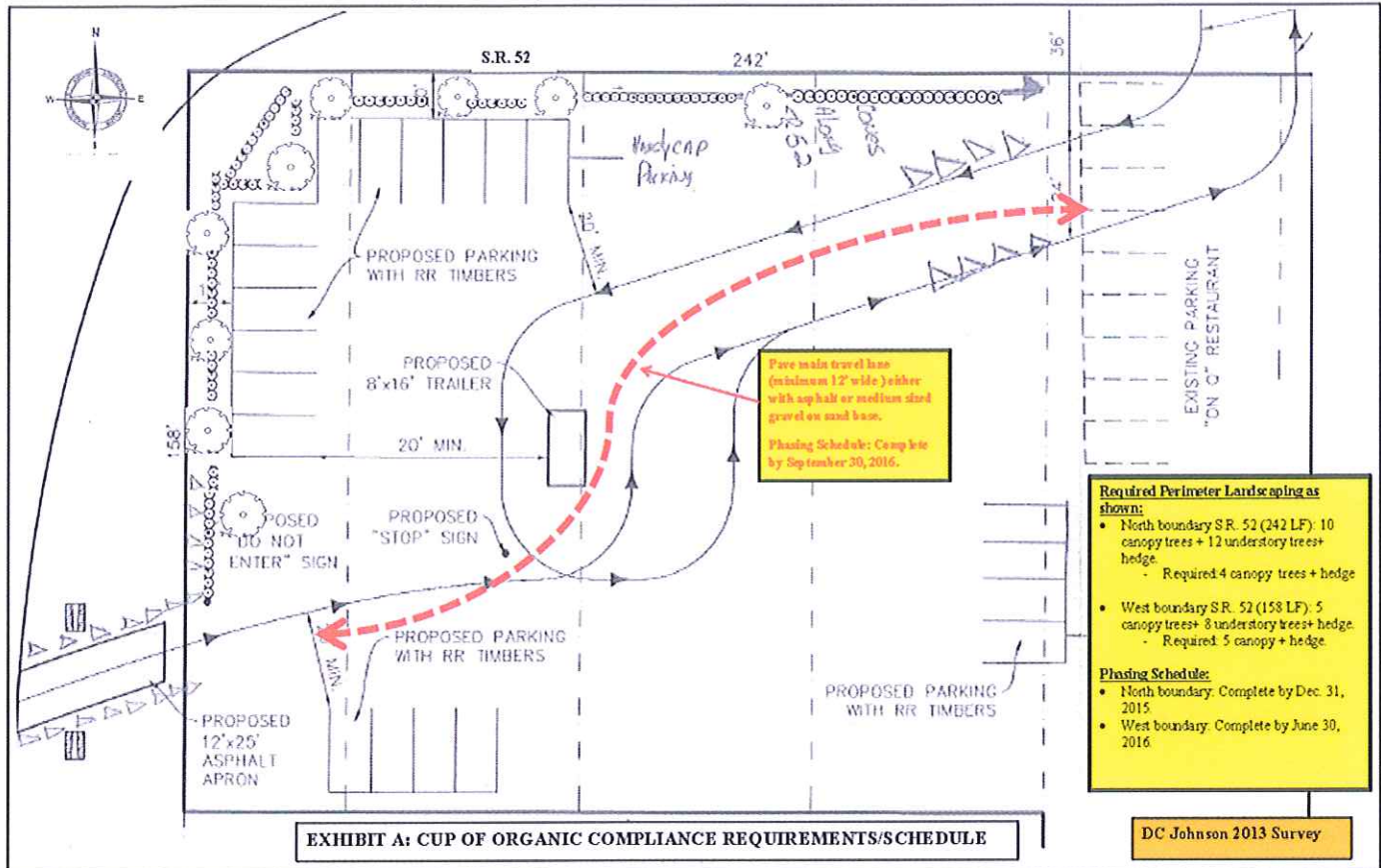


EXHIBIT B

Cup of Organic 8/17/16 Inspection – Current Layout

